Remarks

Discussion of the Claims

Rejection Under 35 USC 112

The claims are amended to overcome the Examiner's objections. Amended claim 1 is re-drafted in order to definitely and precisely claim an online ordering system. Amended claim 1 defines such a system. No reference to a method of operating such a system is made therein.

Discussion of the Amendments

Features adopted into amended claims 1 and 7 are given in present US claims 9 and 11, respectively. Amended claim 15 directed to the use of an online ordering system is disclosed in the original application documents as filed with the German Patent and Trademark Office.

The claims submitted herewith contain amended claims 1, 7 and 11 as well as claim 15 directed to use of an online ordering system.

Basically, the amendment of the aforementioned claims is based on the ability of the inventive online ordering system for food outlets to interactively respond to a user input, i.e., a special user order.

Accordingly, the following features are introduced into independent claim 1 to define the inventive online ordering system for food outlets:

- "wherein said system is adapted to display various categories of food, wherein said system is adapted to receive

- a user input of a specific category of the categories of food displayed, and

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- wherein said system is adapted to respond to the user input on the basis of the stored data on the food outlets and to display the food outlets which offer the category of food selected."

Corresponding features are introduced into method claim 7 in the wording:

- "display of various categories of food by said system,

- user input of a specific category of the categories of food displayed, and

- response of said system to the user input on the basis of the stored data on the food outlets and display of the food outlets which offer the category of food selected."

Since the online ordering system can also respond to a user input of a specific category of the price categories, amended claim 11 is proposed also as an independent method claim. Here, features of claim 7 previously presented (without the present amendment) have been adopted into dependent claim 11 previously presented.

Disclosure of the Amendments

Features adopted into amended claims 1 and 7 are set forth in present claims 9 and 11, respectively. Amended claim 15 is directed to the use of an online ordering system and is disclosed in the original application documents as filed with the German Patent and Trademark Office.

Novelty and Inventive Activity

The subject of the amended system and method claims as well as subject matter of independent claim 15 defining the use of an online ordering system are novel.

Features of a user input of a specific category of food displayed and a specific category of price categories displayed, respectively, as well as a system response to said

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user input on the basis of stored data are not disclosed in any one of the documents cited as prior art.

Camaisa also does not disclose a system response with respect to a user input. Camaisa simply discloses a selection of a menu category by a user out of which a particular menu can be ordered. The content of a menu category is shown to the interested user.

To the contrary, according to the present invention, restaurants or food outlets offering the menu category as wanted by the user's input are displayed in response to the input. This is not taught by Camaisa. Camaisa simply teaches a display of a food category offered by a particular restaurant, out of which the user can make his choice. Camaisa does not give the user information on an entirety of food outlets and restaurants offering the food category wanted. Such a superior response to a user input is not disclosed by Camaisa. Additionally, showing menu categories of a restaurant already chosen does not give any indication to the inventive concept of an intelligent response based on data stored.

The user of the inventive system can interactively choose the particular food outlet or restaurant, which offers the particular menu out of a particular menu category asked for by himself. According to the present invention, a microprocessor of a computer of the like is necessary in order to give the response to the inquiry made by the user. Said response can only be achieved as a result of a comprehensive comparison of a request profile given by the user input and categorized data of food outlets stored in a memory. The possibility of switching back to the beginning of the screen menu or to a screen page

shown before as given in the ordering system as described by Camaisa fails to indicate an input related response as disclosed in the present invention.

The arguments set forth above are also applicable to a category of prices and a corresponding system response indicating restaurants or food outlets offering menus in such a category wanted by the user. Again, a display of said restaurants or food outlets is based on a comparison of two sets of data. In order to make such a display data according to the user, inputs must be compared with data on price categories of restaurants and food outlets stored by the system. Applicant respectfully cannot see how the teach of the Camaisa patent or any other document cited might be used in order to develop the online ordering system or to propose the respective method of operating an online ordering system without an inventive activity. Therefore, the subject matter of amended claims 1, 7, 11 and 15 is new and based on inventive activity. Applicant respectfully believes that the claims, as amended, are allowable over the cited art.

Further consideration and allowance of the claims is respectfully requested.

Respectfully submitted,

M. Robert Kestenbaum
Reg. No. 20,430
11011 Bermuda Dunes NE
Albuquerque, New Mexico 87111
Phone (505) 323-0771
Fax (505) 323-0865

I hereby certify this correspondence is being submitted by facsimile transmission to Commissioner for Patents, Mail Stop Amendment – Art Unit 3627, PO Box 1450, Alexandria Va., fax number (571) 273 8300, on 04/23/2009.

M. Robert Kestenbaum

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